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DEC 4 - 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: CC Docket No. 94-129 – In the Matter of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers

Yesterday, December 3, 1997, Sandy McGreevy of Pacific Bell and the undersigned met with Robert Spangler, Anita Cheng and Katherine Seidel of the Enforcement Division of the Common Carrier Bureau. The attached document outlines the issues that were discussed in this meeting.

Please direct any inquiries concerning the foregoing to the undersigned.

Chris Tines <sub>BR</sub>

Attachment

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**SBC Companies**  
**December 3, 1997 -- Ex Parte Presentation**  
**CC Docket 94-129**

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**FCC must identify all telecommunications providers to promote fair competition and to ensure consumer protection**

- FCC should establish a registration process to ensure the proper identification of **all** providers of telecommunications or telecommunications-related services -- include a registration fee to cover administration costs and require annual renewal.
- The registration number to be a required entity on all requests submitted to an ILEC or CLEC for changing service providers and in the record submitted for billing.
- This would eliminate the anonymity of resellers utilizing the Carrier Identification Code (CIC) of the facility carrier. The development of standards and implementation criteria could be defined in the Industry's Ordering and Billing Forum (OBF).

**A database of all registered service providers should be established and should use consumer complaints as the reporting criteria to identify patterns of abuse**

- The Common Carrier *Scorecard* should be expanded to identify all carriers by registration number and track "unauthorized"<sup>1</sup> slamming or billing complaints by each registrant.
- A database, available through internet access, containing this information will provide a source for the ILECs or CLECs to verify registration numbers prior to executing a change in service and allow consumers to check the performance of a particular carrier prior to making a selection.
- In addition to a consumer filing a complaint directly with the FCC, the ILECs or CLECs should track complaints for alleged slamming, at the end users request and submit to the FCC on a regular basis for evidentiary purposes.

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<sup>1</sup> An "unauthorized" slamming or billing complaint would result when documentation to prove authorization is lacking or insufficient as determined by the Common Carrier Bureau.

**Approximately 15 percent of carriers account for 75 percent of slamming disputes**

- By identifying those carriers with documented patterns of abuse, the industry will have an incentive to assure their performance complies with the applicable rules and regulations.

**Enforcement is the most effective deterrent against slamming and other deceptive practices of unscrupulous companies**

- Slamming continues to increase in most states. Enforcement action by the California Public Utilities Commission (CPUC) coupled with third party verification requirement of SB1140 which began effective January 1, 1997 has reduced slamming complaints. As of October 1997, Pacific Bell has experienced a 50% reduction in long distance slamming complaints from 1996. The CPUC has formally investigated 11 companies with enforcement actions consisting of consumer remediation, penalties, and/or suspension of right to operate in California.
- Recent changes in Texas law prohibits slamming of local and long distance companies. Effective September 1, 1997, the Texas Public Utility Commission is allowed to fine a phone company up to \$5,000 a day for each slamming violation.

**SBC proposes that all carriers, even those that slam only one customer, must:**

- Reimburse the customer for charges over and above what the original carrier would have billed as well as any fees associated with changing carriers
- Reimburse the original authorized company for all lost revenues for the slammed period, including any and all associated costs
- Reimburse the local phone company for any and all expenses associated with the slams, including cost of investigating disputes and correcting service

**SBC proposes a three-part penalty system ("Three-Strikes-and-You're Out") to crack down on slamming without unduly burdening providers who respect the interests of the consumers**

- Strike 1 - Probation
- Strike 2 - Penalty
- Strike 3 - Punishment (increased penalties and revocation of registration)

termination that issuance of an order to show cause or initiation of a forfeiture proceeding would be in the public interest. Factual allegations shall be supported by affidavit of a person or persons with actual knowledge of the facts, and exhibits shall be verified by the person who prepares them.

(d) Interested persons may submit comments or oppositions to the petition within thirty (30) days after it has been filed. For good cause shown in the petition, the Commission may, by letter or telegram to known interested persons, specify a shorter time for such submissions. Comments or oppositions shall be served on petitioner and on all persons listed in petitioner's certificate of service, and shall contain a detailed full showing supported by affidavit, of any facts or circumstances relied on.

(e) The petitioner may file a reply to the comments or oppositions within twenty (20) days after the time for filing such comments or oppositions has ended. A reply shall be served on all persons who have filed pleadings and shall also contain a detailed full showing, supported by affidavit, of any additional facts or considerations relied on. For good cause shown, the Commission may specify a shorter time for the filing of reply comments.

(f) The Commission, after consideration of the pleadings, shall determine whether the public interest requires the issuance of an order to show cause or the initiation of a forfeiture proceeding.

NOTE 1: After issuance of an order to show cause, the rules of procedure in title 47, part 1, subpart A, §§1.91-1.96 shall apply.

NOTE 2: Nothing in this section is intended to prevent the Commission from initiating show cause or forfeiture proceedings on its own motion; *Provided, however*, That show cause proceedings and forfeiture proceedings pursuant to §1.80(g) of the rules will not be initiated by such motion until the affected parties are given an opportunity to respond to the Commission's charges.

NOTE 3: Forfeiture proceedings are generally nonhearing matters conducted pursuant to the provisions of §1.80(f) of the rules (Notice of Apparent Liability). Petitioners who contend that the alternative hearing procedures of §1.80(g) of the rules should be followed in a particular case must support

this contention with a specific showing of the facts and considerations relied on.

[42 FR 56507, Oct. 26, 1977, as amended at 44 FR 55575, Sept. 27, 1979]

#### §76.11 Lockbox enforcement.

Any party aggrieved by the failure or refusal of a cable operator to provide a lockbox as provided for in Title VI of the Communications Act may petition the Commission for relief in accordance with the provisions and procedures set forth in §76.7 for petitions for special relief.

[50 FR 18861, May 2, 1985]

### Subpart B—Registration Statements

#### §76.12 Registration statement required.

A system community unit shall be authorized to commence operation only after filing with the Commission the following information:

(a) The legal name of the operator, entity identification or social security number, and whether the operator is an individual, private association, partnership, or corporation. If the operator is a partnership, the legal name of the partner responsible for communications with the Commission shall be supplied;

(b) The assumed name (if any) used for doing business in the community;

(c) The mail address, including ZIP code, and the telephone number to which all communications are to be directed;

(d) The date the system provided service to 50 subscribers;

(e) The name of the community or area served and the county in which it is located;

(f) The television broadcast signals to be carried which previously have not been certified or registered.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat. 1064-1066, 1068, 1081-1085, 1088, 1089, as amended; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

[37 FR 3278, Feb. 12, 1972, as amended at 48 FR 52154, Aug. 6, 1980; 49 FR 27154, July 1, 1984; 50 FR 40855, Oct. 7, 1985]

#### §76.14 Who may sign registration statements.

(a) Registration statements shall be personally signed by the operator; by one of the partners, if the operator is a partnership; by an officer, if the operator is a corporation; by a member who is an officer, if the operator is an unincorporated association; or by any duly authorized employee of the operator.

(b) Registration statements may be signed by the operator's attorney in case of the operator's physical disability or of his absence from the United States. The attorney shall in that event separately set forth the reasons why the registration statement was not signed by the operator. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

[48 FR 49008, Oct. 20, 1978]

#### §76.17 Public notice.

The Commission will give public notice of the filing of registration statements.

[48 FR 49008, Oct. 20, 1978]

#### §76.20 Special temporary authority.

(a) In circumstances requiring the temporary use of community units for operations not authorized by the Commission's rules, a cable television system may request special temporary authority to operate. The Commission may grant special temporary authority, upon a finding that the public interest would be served thereby, for a period not to exceed ninety (90) days, and may extend such authority, upon a like finding, for one additional period, not to exceed ninety (90) days.

(b) Requests for special temporary authority may be submitted informally, by letter, and shall contain the following:

(1) Name and address of the applicant cable system.

(2) Community in which the community unit is located.

(3) Type of operation to be conducted.

(4) Date of commencement of proposed operations.

(5) Duration of time for which temporary authority is required.

(6) All pertinent facts and considerations relied on to demonstrate the need for special temporary authority and to support a determination that a grant of such authority would serve the public interest.

(7) A certificate of service on all interested parties.

(c) A request for special temporary authority shall be filed at least ten (10) days prior to the date of commencement of the proposed operations, or shall be accompanied by a statement of reasons for the delay in submitting such request.

(d) A grant of special temporary authority may be rescinded by the Commission at any time upon a finding of facts which warrant such action.

[39 FR 35168, Sept. 30, 1974; 42 FR 19346, Apr. 13, 1977, as amended at 43 FR 49008, Oct. 20, 1978]

### Subpart C—Federal-State/Local Regulatory Relationships (Reserved)

### Subpart D—Carriage of Television Broadcast Signals

#### §76.51 Major television markets.

For purposes of the cable television rules, the following is a list of the major television markets and their designated communities:

(a) First 50 major television markets:

- (1) New York, New York-Linden-Paterson-Newark, New Jersey.
- (2) Los Angeles-San Bernardino-Corona-Fontana-Riverside, Calif.
- (3) Chicago, Ill.
- (4) Philadelphia, Pa.-Burlington, N.J.
- (5) Detroit, Mich.
- (6) Boston-Cambridge-Worcester-Lawrence, Mass.
- (7) San Francisco-Oakland-San Jose, Calif.
- (8) Cleveland-Lorain-Akron, Ohio.
- (9) Washington, DC.
- (10) Pittsburgh, Pa.
- (11) St. Louis, Mo.
- (12) Dallas-Fort Worth, Tex.
- (13) Minneapolis-St. Paul, Minn.
- (14) Baltimore, Md.
- (15) Houston, Tex.
- (16) Indianapolis-Bloomington, Ind.
- (17) Cincinnati, Ohio-Newport, Ky.
- (18) Atlanta-Rome, Ga.
- (19) Hartford-New Haven-New Britain-Waterbury-New London, Ct.
- (20) Seattle-Tacoma, Wash.

# Electric Restructuring in California Electric Service Provider Registration Information

This page was last updated on Tuesday, 18-Nov-97 11:07:49 PST.

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## INTRODUCTION

AB 1890, passed by the California Legislature and signed into law by Gov. Pete Wilson on September 23, 1996, requires all non-utility Electric Service Providers (ESPs) offering electric service to residential and small commercial customers (maximum peak demand less than 20 kilowatts) to register with the California Public Utilities Commission (CPUC). Registration began July 1, 1997.

On August 15, 1997, Governor Wilson signed SB 477 into law. This bill made a series of changes to the statutes governing electric industry restructuring, including changes to Section 394 which requires certain information from registrants. The most immediate change from the initial requirements in AB 1890 is that registrants must provide a brief description of the services to be offered, including types of customers and area in which services are to be provided. This change applies to those who have already registered as electric service providers, as well. Current electric service provider registrants must send this additional information to the Commission by December 15, 1997. Failure to provide this information will result in a suspension of the registration number.

SB 477 also requires the California Public Utilities Commission to develop uniform standards for determining financial viability and technical and operational ability standards for electric service providers. These standards must be published no later than March 31, 1998 for public comment. To develop these standards, the Commission is inviting interested persons to file written comments on the standards and criteria the Commission should adopt regarding a registrant's financial viability and technical/operational ability. These comments will be reviewed and incorporated into the proposed uniform standards, which will be issued for another round of public comments in March, 1998. Once the Commission has adopted uniform standards, all registrants will be required to meet those standards.

People who wish to make comments on these standards need not be an official party to R.94-04-031, the electric restructuring proceeding. These comments must be filed with the Commission's Docket Office on or before January 16, 1998 and the comments must be filed in R.94-04-031. The specific rules for filing comments can be found in the Commission's Rules of Practice and Procedure, specifically Article 2, Filing of Documents. More information on participating in Commission proceedings is available from the Public Advisor's office. They can be reached by e-mail or by phone at (213) 897-3544.

## REGISTRATION

A form, revised to meet SB477 requirements, must be completed to register with the CPUC. Section 394 of Article 12 of AB 1890 and a brief glossary of terms relevant to Electric Service Providers should be reviewed before beginning the registration process.

The registration packet consists of a cover letter, the registration form, the relevant section of AB 1890 and the glossary. There is a **REGISTRATION FEE** of \$100. Personal checks will **NOT** be accepted. Applications will only be accepted via U.S. Mail or by delivery to the California Public Utilities Commission at 505 Van Ness Avenue, San Francisco, California. Applications will not be accepted via fax or by electronic submission.

Before submitting your application, make a copy of the completed form for your records. It is your responsibility to ensure that your registration application is completed accurately before you return it to

the CPUC. Submission of an incomplete form and/or incorrect information will delay the approval of your registration.

Upon completion of registration you will be issued a registration certificate that will contain your registration number.

**NO ENTITY SHALL UNDERTAKE THE SELLING OF ELECTRICAL SERVICE TO RESIDENTIAL OR SMALL BUSINESS CUSTOMERS (MAXIMUM PEAK DEMAND LESS THAN 20 KILOWATTS) WITHOUT A VALID REGISTRATION ON FILE WITH THE CPUC.**

[Registration Index](#)[Registration Packet](#)[Contact](#)[Providers](#)

[\[Electric Restructuring Page\]](#) [\[CPUC Home Page\]](#)

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The form California is sending out to potential electric service providers asks for the following information:

1. Exact legal name of registrant (doing business [DBA])
2. Current address:  
Street address  
City, State, Zip
3. Current telephone number:
4. Type of Ownership  
Individual  
Partnership  
Corporation  
Limited Liability Company  
Government Entity
5. a. If registrant is a corporation, the state in which registrant is incorporated  
b. List names and titles of corporate officers
6. a. If a sole proprietorship or partnership, the county in which the fictitious business name statement has been filed, if applicable.  
b. If a partnership, list all general partners.
7. If a limited liability company, list all managers and/or officers and their titles.
8. The address and telephone number of the registrant's principal place of business if different from address and telephone number is #2 and #3.
9. Provide a brief description of the services provided. Include types of customers served and areas in which services are to be provided. (Attach additional page if necessary.)
10. The name, title, address and telephone number of the person to whom correspondence or communication regarding customer complaints are to be addressed:  
Name  
Title  
Street Address  
City State Zip Code  
Telephone Number  
Fax Number (if available)  
E-Mail Address (if available)
11. Are you a certified renewable resource provider pursuant to Public Utilities Code Sec 383?  
*If there are any questions regarding question #10, 'Certified Renewable Resource Provider' please call Suzanne Korosec at the California Energy Commission (CEC) at (916) 654-4516*
12. Name and address of Agent for Service of Process (must be located in California).
13. Criminal Record Clearance: Has the registrant or any of the general partners or corporate officers or limited company liability managers or officer ever been convicted of any felony? If yes, please explain on additional page.

The actual form can be downloaded.

#### §8.4 Hearing aid-compatible telephones.

(a)(1) Except for telephones used with public mobile services, telephones used with private radio services, and cordless and secure telephones, every telephone manufactured in the United States (other than for export) or imported for use in the United States after August 16, 1989, must be hearing aid compatible. Every cordless telephone manufactured in the United States (other than for export) or imported into the United States after August 16, 1991, must be hearing aid compatible.

(2) Unless otherwise stated and except for telephones used with public mobile services, telephones used with private radio services and secure telephones, every telephone listed in 8.112 must be hearing aid-compatible.

(3) A telephone is hearing aid-compatible if it provides internal means for effective use with hearing aids that are designed to be compatible with telephones which meet established technical standards for hearing aid compatibility.

(4) The Commission shall revoke or otherwise limit the exemptions of paragraph (a)(1) of this section for telephones used with public mobile services or telephones used with private radio services if it determines that (i) such revocation or limitation is in the public interest; (ii) continuation of the exemption without such revocation or limitation would have an adverse effect on hearing-impaired individuals; (iii) compliance with the requirements of §8.4(a)(1) is technologically infeasible for the telephones to which the exemption applies; and (iv) compliance with the requirements of §8.4(a)(1) would not increase costs to such an extent that the telephones to which the exemption applies could not be successfully marketed.

55 FR 21430, May 18, 1990; 55 FR 28763, July 1990, as amended at 57 FR 27183, June 18, 1992

#### §8.5 Waivers.

The Commission may, upon the application of any interested person, initiate a proceeding to waive the requirements of §8.4(a)(1) with respect to new telephones, or telephones associated

with a new service. The Commission shall not grant such a waiver unless it determines, on the basis of evidence in the record of such proceeding, that such telephones, or such technology or service, are in the public interest, and that (a) compliance with the requirements of §8.4(a)(1) is technologically infeasible, or (b) compliance with such requirements would increase the costs of the telephones, or of the technology or service, to such an extent that such telephones, technology, or service could not be successfully marketed. In any proceeding under this section to grant a waiver from the requirements of §8.4(a)(1), the Commission shall consider the effect on hearing-impaired individuals of granting the waiver. The Commission shall periodically review and determine the continuing need for any waiver granted pursuant to this section.

54 FR 21430, May 18, 1989

#### Subpart B—Conditions on Use of Terminal Equipment

##### §8.100 General.

In accordance with the rules and regulations in subpart B of this part, terminal equipment may be directly connected to the public switched telephone network and to those private line services included in §8.2(a).

51 FR 944, Jan. 9, 1986

##### §8.102 Registration requirement.

Terminal equipment must be registered in accordance with the rules and regulations in subpart C of this part, or connected through registered protective circuitry, which is registered in accordance with the rules and regulations in subpart C of this part.

##### §8.104 Means of connection.

(a) *General.* Any jack installed by the telephone company at, or constituting, the demarcation point shall conform to subpart F of this part. Subject to the requirements of §8.213, connection of wiring and terminal equipment to the telephone network may be made through a jack conforming to subpart F or by direct attachment to carrier-

installed wiring including, but not limited to, splicing, bridging, twisting and soldering. Telephone company-provided ringers may be connected to the network in accordance with the carrier's reasonable and nondiscriminatory standard operating practices. Connection to the network of wiring subject to §8.215 and terminal equipment used therewith shall be through telephone company-provided jacks conforming to subpart F of this part, in such a manner as to allow for easy and immediate disconnection.

(b) *Data equipment.* Where a customer desires to connect data equipment which has been registered in accordance with §8.308(a)(4) (i) or (ii), he shall notify the telephone company of each telephone line to which he intends to connect such equipment. The telephone company after determining the attenuation of each such telephone line between the interface and the telephone company central office, will make such connections as are necessary in each standard data jack which it will install, so as to allow the maximum signal power delivered by such data equipment to the telephone company central office to reach but not exceed the maximum allowable signal power permitted at the telephone company central office.

(c) *Tariff description.* As an alternative to description in subpart F of these rules, connections to the telephone network may be made through standard plugs and standard telephone company-provided jacks or equivalent described in nationwide telephone tariffs: *Provided*, That these means of connection otherwise comply with paragraphs (a) and (b) of this section.

45 FR 20853, Mar. 31, 1980, as amended at 55 FR 28630, July 12, 1990

##### §8.106 Notification to telephone company.

(a) *General.* Customers connecting terminal equipment or protective circuitry to the telephone network shall, upon request of the telephone company, inform the telephone company of the particular line(s) to which such connection is made, the FCC registration number and ringer equivalence number of the registered terminal

equipment or registered protective circuitry.

(b) *Systems assembled of combinations of individually-registered terminal equipment and protective circuitry.* Customers connecting such assemblages to the telephone network shall, upon the request of the telephone company, provide to the telephone company the following information:

(1) For each line:

(i) Information required for compatible operation of the equipment with telephone company communications facilities.

(ii) The FCC Registration Numbers for all equipment dedicated to that line.

(iii) The largest Ringer Equivalence to be presented to that line.

(2) A list of FCC Registration Numbers for equipment to be used in the system.

(c) *Systems using other than "fully-protected" premises wiring.* Customers who intend to connect premises wiring other than "fully-protected" premises wiring to the telephone network shall, in addition to the foregoing, give notice to the telephone company in accordance with §8.215(e).

(d) *AIOD trunk and station number verification.* Customers who intend to install or have installer performed additions to and rearrangements of AIOD functions shall give notice to the telephone company in accordance with §8.222(d).

(e) *OPS.* Customers who intend to connect to OPS facilities shall inform the telephone company of OPS class for which the equipment is registered and connection is desired.

45 FR 20853, Mar. 31, 1980, as amended at 50 FR 47548, Nov. 19, 1985

##### §8.108 Incidence of harm.

Should terminal equipment, inside wiring, plugs and jacks, or protective circuitry cause harm to the telephone network, or, should the carrier reasonably determine that such harm is imminent, the telephone company shall, where practicable, notify the customer that temporary discontinuance of service may be required; however, wherever prior notice is not practicable, the telephone company may temporarily discontinue service forthwith, if such



action is reasonable under the circumstances. In case of such temporary discontinuance, the telephone company shall:

(a) Promptly notify the customer of such temporary discontinuance;

(b) Afford the customer the opportunity to correct the situation which gave rise to the temporary discontinuance; and

(c) Inform the customer of his right to bring a complaint to the Commission pursuant to the procedures set forth in subpart E of this part.

[55 FR 28630, July 12, 1990]

#### § 68.110 Compatibility of the telephone network and terminal equipment.

(a) *Availability of interface information.* Technical information concerning interface parameters not specified in this part, including the number of ringers which may be connected to a particular telephone line, which is needed to permit terminal equipment to operate in a manner compatible with telephone company communications facilities, shall be provided by the telephone company upon request.

(b) *Changes in telephone company facilities, equipment, operations or procedures.* The telephone company may make changes in its communications facilities, equipment, operations or procedures, where such action is reasonably required in the operation of its business and is not inconsistent with the rules and regulations in this part. If such changes can be reasonably expected to render any customer's terminal equipment incompatible with telephone company communications facilities, or require modification or alteration of such terminal equipment, or otherwise materially affect its use or performance, the customer shall be given adequate notice in writing, to allow the customer an opportunity to maintain uninterrupted service.

#### § 68.112 Hearing aid-compatibility.

(a) *Coin telephones.* All new and existing coin-operated telephones, whether located on public property or in a semipublic location (e.g. drugstore, gas station, private club).

(b) *Emergency use telephones.* Telephones "provided for emergency use" include the following:

(1) Telephones in places where a person with impaired hearing might be isolated in an emergency, including, but not limited to, elevators, automobile, railroad or subway tunnels, highways and all areas of the workplace including common areas (libraries, reception areas and similar locations where employees are reasonably expected to congregate). With respect to the workplace, non-common area telephones are not required to be hearing aid-compatible until May 1, 1993, for establishments with twenty or more employees, and until May 1, 1994, for all other establishments, except for telephones made available to a hearing impaired employee for use by that employee in his or her employment duty. Such telephones shall be hearing aid-compatible by May 1, 1992.

(2) Telephones specifically installed to alert emergency authorities, including, but not limited to, police or fire departments or medical assistance personnel.

(3) Telephones needed to signal life-threatening or emergency situations in confined settings, including but not limited to, rooms in hospitals, residential health care facilities for senior citizens, convalescent homes, and prisons. If an alternative means of signaling life-threatening or emergency situations is available, a hearing aid-compatible telephone is not required until May 1, 1993, for establishments with twenty or more employees, and until May 1, 1994, for all other establishments, unless replaced before that time.

(4) All credit card operated telephones, whether located on public property or in a semipublic location (e.g. drugstore, gas station, private club), unless a hearing aid-compatible coin-operated telephone providing similar services is nearby and readily available. However, regardless of coin-operated telephone availability, all credit card operated telephones must be made hearing aid compatible when replaced, or by May 1, 1991, which ever comes sooner.

(5) Until May 1, 1993, for establishments with twenty or more employees, and until May 1, 1994, for all other establishments, telephones in hotel and motel rooms replaced after January 1,

1985, must be hearing aid-compatible unless at least ten percent of the rooms in a hotel or motel are equipped to accommodate a hearing impaired customer. A room is equipped to accommodate a hearing impaired customer if

(i) It contains a permanently installed hearing aid-compatible telephone; or

(ii) It contains a telephone which will accept a plugin hearing aid-compatible handset, which shall be provided to the hearing impaired customer by the hotel or motel; or

(iii) The room contains a jack into which a hearing air-compatible telephone provided to the customer by the hotel or motel may be plugged (i.e., in addition to a permanently installed telephone which is not hearing aid-compatible). If fewer than ten percent of the rooms in a hotel or motel are hearing aid-compatible, when replacing a telephone the hotel or motel must, until the ten percent minimum is reached:

(A) Replace it with a hearing aid-compatible telephone, or

(B) Procure and maintain a plug-in hearing aid-compatible telephone handset which it will provide to a hearing impaired customer upon request at check-in. For establishments with twenty or more employees, all telephones in hotel and motel rooms are required to be hearing aid-compatible by May 1, 1993. For establishments with fewer than twenty employees, all telephones in hotel and motel rooms are required to be hearing aid-compatible by May 1, 1994.

(c) *Telephones frequently needed by the hearing impaired.* Closed circuit telephones, i.e., telephones which cannot directly access the public switched network, such as telephones located in lobbies of hotels or apartment buildings; telephones in stores which are used by patrons to order merchandise; telephones in public transportation terminals which are used to call taxis or to reserve rental automobiles, need not be hearing aid-compatible until replaced.

55 FR 1282, Jan. 11, 1994, as amended at 55 FR 2778, July 13, 1990; 57 FR 27183, June 18, 1992.

EDITORIAL NOTE: At 58 FR 26892, May 5, 1993, the enforcement of § 68.112 paragraphs

(b)(1), (b)(3), and (b)(6) is suspended. This action does not alter requirements imposed by § 68.112 for telephones that must be hearing aid compatible prior to May 1, 1993.

### Subpart C—Registration Procedures

#### § 68.200 Application for equipment registration.

An original and two copies of an application for registration of terminal equipment and protective circuitry shall be submitted on FCC Form 730 to the Federal Communications Commission, Washington, DC 20554 (Applications requiring fees as set forth at part 1, subpart G of this chapter must be filed in accordance with § 0.401(b) of the rules). An application for original approval of an equipment type directly connected to the network on May 1, 1976, may be submitted as a short form application (unless the Commission specifically requests the filing of complete information). All other applications shall have all questions answered and include the following information:

(a) Identification, technical description and purpose of the equipment for which registration is sought.

(b) The means, if any, employed to limit signal power into interface.

(c) A description of all circuitry employed in assuring compliance with this part 68 including the following:

(1) Specifications, including voltage or current ratings of all circuit elements whether active or passive, in that part of the equipment or circuitry which ensures compliance with subpart D of this part.

(2) A circuit diagram containing the complete circuit of that part of the equipment or circuitry which ensures compliance with subpart D of this part. If this portion of the device is subject to factory or field adjustment by the applicant or an agent thereof, instructions for these adjustments shall be included. In addition, if the equipment or circuitry is designed to operate from power supplied by electric utility lines, the circuit diagram shall also include that portion of the device connected to such lines, including the power supply to the internal circuitry, and whatever means are employed to isolate such

utility lines from the internal circuitry.

(3) If a service manual is submitted, and any of these items are covered therein, it will be sufficient to list the pages in the manual on which the information specified in the item(s) appear.

(d) A statement that the terminal equipment or protective circuitry complies with and will continue to comply with the appropriate rules and regulations in subpart D of this part, accompanied by such test results, description of test procedures, analyses, evaluations, quality control standards and quality assurance standards as are necessary to demonstrate that such terminal equipment or protective circuitry complies with and will continue to comply with all the applicable rules and regulations in subpart D of this part. The Office of Engineering and Technology may issue an OET Bulletin describing acceptable test methods; other test methods may be employed provided they are fully described in the application and are found acceptable by the Commission.

(e) A photograph, sample or drawing of the equipment label showing the information to be placed thereon.

(f) Photographs, of size A4 (12.0 cm x 29.7 cm) or 8 x 10 inches (20.3 cm x 25.4 cm) of the equipment of sufficient clarity to reveal equipment construction and layout and labels for controls, with sufficient views of the internal construction to define component placement and chassis assembly. Photographs smaller than A4 (21.0 cm x 29.7 cm) or 8 x 10 inches (20.3 cm x 25.4 cm) will be acceptable if mounted on paper A4 (21.0 cm x 29.7 cm) or 8 x 10 inches (20.3 cm x 25.4 cm) and of sufficient clarity for the purpose. Insofar as these requirements are met by photographs or drawings contained in service manual or instruction manual included with the application, additional photographs are required only to complete the required showing.

(g) If the device covered by the application is designed to operate in conjunction with other equipment, the characteristics of which can affect compliance of the device covered by the application with subpart D of this part, then such other equipment must

also be registered. If such other equipment already is registered, then the FCC Registration Number(s) must be supplied.

(h) Electrically transparent adapters, extension cords, line-transfer switches and cross-connect panels need not be registered provided they meet the requirements of § 68.304(a) and the temperature-humidity requirements of § 68.302(b). Descriptive installation procedures for cross-connect panels (where used) must be provided in equipment registration applications. Additional requirements include:

(1) An extension cord must consist of a male connector and a female connector and wiring between them which is no longer than 7.6 meters (25 feet).

(2) Transfer switches must be manually operated, not use relays, and be wired in a balanced tip and ring configurations. Switch wiring must be "fully protected" wiring, no longer than 7.6 meters (25 feet).

(i) Any application for registration or modification of the registration of a telephone, filed on or after March 1, 1984, shall state whether the handset complies with § 68.316 of these rules (defining hearing aid compatibility), or state that it does not comply with that section. A telephone handset which complies with § 68.316 shall be deemed a "hearing aid-compatible telephone" for purposes of § 68.4.

(j) Terminal equipment having the following lead connections to standard jacks or adapters are subject to the following compliance tests:

(1) *Make-busy leads:* The MB and MBI leads shall be considered telephone connections and comply with the requirements of §§ 68.304 and 68.305 when isolated from tip and ring. When the corresponding telephone line is of the loop-start type the tip and ring leads shall comply with all part 68 rules when the MB and MBI leads are bridged to the tip and ring connections.

(2) *Continuity leads:* Leakage current limitations shall be met as specified in § 68.304. The design of the terminal equipment shall assure that the open circuit dc voltage to ground shall not exceed 18 volts; the dc current in a short circuit across CY1 and CY2 shall not exceed 10 milliamperes; and any ac voltage to ground appearing on the

continuity leads from sources in the terminal equipment shall not exceed 5 volts peak. The leads, CY1 and CY2, shall be treated as telephone connections for the purpose of hazardous voltage limitation tests and are only required to comply with § 68.304, 68.306(a) and (b)(1). Terminal equipment furnished with CY1 and CY2 leads shall comply with the criteria of § 68.308 and 68.314 with a short circuit across the CY1 and CY2 leads.

(3) Specialty adapters need only be evaluated for compliance with §§ 68.304 and 68.310 under the conditions specified in § 68.310. Resistors used for setting signal power levels must meet the requirements of § 68.502(e). Specialty adapters may be labelled, "FCC Reg. No. XXX". (The proper number should be included.) The other information required by §§ 68.300 need not be provided.

(4) Data jack programmed resistor leads (PR and PC): See § 68.502(e). Leakage current limitations shall be met as specified in § 68.304. PR and PC will be treated as telephone connections for the purpose of hazardous voltage limitation tests and are only required to comply with § 68.306(a) and (b)(1). Equipment furnished with PR and PC leads shall comply with the criteria of §§ 68.308 and 68.314 for all permitted values of the programming resistor specified in § 68.502(e).

(k) Any application for registration of a cordless telephone operating under the provisions of part 15 of this chapter shall be accompanied by a statement indicating that the device contains appropriate provision for protection of the public switched telephone network, pursuant to the requirements in § 15.214 of this chapter.

[41 FR 8048, Feb. 24, 1976, as amended at 42 FR 32244, June 24, 1977; 49 FR 1363, Jan. 11, 1984; 49 FR 45720, Dec. 14, 1984; 51 FR 944, Jan. 8, 1986; 51 FR 12616, Apr. 14, 1986; 52 FR 10231, Mar. 31, 1987; 56 FR 3785, Jan. 31, 1991; 58 FR 4697, Aug. 25, 1993]

#### § 68.203 Public notice.

(a) The Commission will issue public notices of the filing of applications for equipment registrations and the grants thereof. No grant will issue before five days from the date of the public notice of the filing of the application.

(b) The Commission will maintain lists of equipment for which it has granted registration and for which it has revoked registration.

[41 FR 8049, Feb. 24, 1976 and 50 FR 47548, Nov. 19, 1985]

#### § 68.204 Comments and replies.

Comments may be filed as to any application for equipment registration within five days of the date of the public notice of its filing. Replies to such comments may be filed within five days of the filing of such comments. All comments must be served on all parties filing comments. An original and three copies of all comments and replies must be filed.

[50 FR 47548, Nov. 19, 1985]

#### § 68.206 Grant of application.

(a) The Commission will grant an application for equipment registration if it finds from an examination of such application and other matter which it may officially notice, that the equipment will comply with the rules and regulations in subpart D of this part, or that such grant will otherwise serve the public interest.

(b) Grants will be made in writing showing the effective date of the grant and any special condition(s) attaching to the grant.

(c) Equipment registration shall not attach to any equipment, nor shall any equipment registration be deemed effective, until the application has been granted.

#### § 68.208 Dismissal and return of application.

(a) An application which is not filed in accordance with the requirements of this part of which is defective with respect to completeness of answers to questions, execution or other matters of a formal character, may not be accepted for filing by the Commission and may be returned as unacceptable for filing unless accompanied by a fully supported request for waiver.

(b) Any application, upon written request, may be dismissed prior to a determination granting or denying the equipment registration requested.

(c) If an applicant is requested by the Commission to furnish any additional

**SBC Companies**  
**December 3, 1997 -- Ex Parte Presentation**  
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**FCC must identify all telecommunications providers to promote fair competition and to ensure consumer protection**

- FCC should establish a registration process to ensure the proper identification of **all** providers of telecommunications or telecommunications-related services -- include a registration fee to cover administration costs and require annual renewal.
- The registration number to be a required entity on all requests submitted to an ILEC or CLEC for changing service providers and in the record submitted for billing.
- This would eliminate the anonymity of resellers utilizing the Carrier Identification Code (CIC) of the facility carrier. The development of standards and implementation criteria could be defined in the Industry's Ordering and Billing Forum (OBF).

**A database of all registered service providers should be established and should use consumer complaints as the reporting criteria to identify patterns of abuse**

- The Common Carrier *Scorecard* should be expanded to identify all carriers by registration number and track "unauthorized"<sup>1</sup> slamming or billing complaints by each registrant.
- A database, available through internet access, containing this information will provide a source for the ILECs or CLECs to verify registration numbers prior to executing a change in service and allow consumers to check the performance of a particular carrier prior to making a selection.
- In addition to a consumer filing a complaint directly with the FCC, the ILECs or CLECs should track complaints for alleged slamming, at the end users request and submit to the FCC on a regular basis for evidentiary purposes.

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<sup>1</sup> An "unauthorized" slamming or billing complaint would result when documentation to prove authorization is lacking or insufficient as determined by the Common Carrier Bureau.

**Approximately 15 percent of carriers account for 75 percent of slamming disputes**

- By identifying those carriers with documented patterns of abuse, the industry will have an incentive to assure their performance complies with the applicable rules and regulations.

**Enforcement is the most effective deterrent against slamming and other deceptive practices of unscrupulous companies**

- Slamming continues to increase in most states. Enforcement action by the California Public Utilities Commission (CPUC) coupled with third party verification requirement of SB1140 which began effective January 1, 1997 has reduced slamming complaints. As of October 1997, Pacific Bell has experienced a 50% reduction in long distance slamming complaints from 1996. The CPUC has formally investigated 11 companies with enforcement actions consisting of consumer remediation, penalties, and/or suspension of right to operate in California.
- Recent changes in Texas law prohibits slamming of local and long distance companies. Effective September 1, 1997, the Texas Public Utility Commission is allowed to fine a phone company up to \$5,000 a day for each slamming violation.

**SBC proposes that all carriers, even those that slam only one customer, must:**

- Reimburse the customer for charges over and above what the original carrier would have billed as well as any fees associated with changing carriers
- Reimburse the original authorized company for all lost revenues for the slammed period, including any and all associated costs
- Reimburse the local phone company for any and all expenses associated with the slams, including cost of investigating disputes and correcting service

**SBC proposes a three-part penalty system (“Three-Strikes-and-You’re Out”) to crack down on slamming without unduly burdening providers who respect the interests of the consumers**

- Strike 1 - Probation
- Strike 2 - Penalty
- Strike 3 - Punishment (increased penalties and revocation of registration)